

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAMELA J. BLANCO,

Plaintiff,

-against-

JOHN BROGAN, individually and
the VILLAGE OF SCARSDALE,
New York,

Defendants.
-----X

07 Civ. 4065 (CLB)(GAY)

AFFIDAVIT OF
HOWARD M. MILLER

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

Howard M. Miller, being duly sworn, deposes and says:

1. I am a member of the firm of Bond, Schoeneck & King, PLLC, attorneys for defendant, Village of Scarsdale. This affidavit is submitted in support of Defendant Village of Scarsdale's motion to dismiss the First Amended Complaint.

2. A copy of the charge of discrimination plaintiff filed with the U.S. Equal Employment Opportunities Commission (Charge No. 520200701320), which is referenced in the First Amended Complaint at ¶¶ 2 and 9, is annexed hereto as Exhibit "A."

s/ Howard M. Miller
HOWARD M. MILLER

Sworn to before me this
21st day of September 2007.

Regina L. Olsen
Notary Public

REGINA L. OLSEN
Notary Public, State of New York
Qualified in Nassau Co. No. 30-4730341
Commission Expires August 31, 20 10

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2007, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

LOVETT & GOULD, LLP
222 Bloomingdale Road
White Plains, New York 10605

KEANE & BEANE
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601

s/ Howard M. Miller
Howard M. Miller (HMM: 4538)
Bond, Schoeneck & King, PLLC
Attorneys for Defendant, Village of Scarsdale
1399 Franklin Avenue, Suite 200
Garden City, New York 11530

EXHIBIT “A”

U.S. Equal Employment Opportunity Commission

SCARSDALE POLICE DEPARTMENT
Chief Brogan
50 Tompkins Road
Scarsdale, NY 10583

PERSON FILING CHARGE

Pamela Blanco

THIS PERSON (check one or both)

☒ Claims To Be Aggrieved☐ Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

520-2007-01320

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

☒ Title VII of the Civil Rights Act☐ The Americans with Disabilities Act☒ The Age Discrimination in Employment Act☐ The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. ☐ No action is required by you at this time.
2. ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.
3. ☒ Please provide by **28-FEB-07** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. ☐ Please respond fully by _____ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. ☐ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by _____ to _____.

If you **DO NOT** wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

John B. Douglass,
Supervisory Investigator

EEOC Representative

Telephone (212) 336-3765

New York District Office - 520
33 Whitehall Street
5th Floor
New York, NY 10004

Enclosure(s): ☒ Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☒ RACE ☒ COLOR ☒ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☒ AGE ☐ DISABILITY ☐ RETALIATION ☐ OTHER

See enclosed copy of charge of discrimination.

Date

February 06, 2007

Name / Title of Authorized Official

Spencer H. Lewis, Jr.,
Director

Signature

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form

ENTER CHARGE
NUMBER☐ FEPA
☐ EEOC

NEW YORK STATE DIVISION OF HUMAN RIGHTS

and EEOC

(State or local Agency, if any)

NAME (Indicate Mr.,)

DOB: [REDACTED]

HOME TELEPHONE NO. (Include
Area Code)

845-353-2443

Ms. Pamela J. Blanco

SS# [REDACTED]

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

968 Sierra Vista Lane Valley Cottage, New York 10989 Rockland

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL
GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)NAME Scarsdale Police
Department, Village of
Scarsdale, N.Y.NO. OF EMPLOYEES/MEMBERS
100+TELEPHONE NUMBER (Include
Area Code)

914-722-1200

STREET ADDRESS

CITY, STATE AND ZIP CODE

50 Tompkins Road, Scarsdale, New York 10583

NAME

N/A

TELEPHONE NUMBER (Include
Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ race ☒ color ☒ sex ☐ RELIGION ☒ NATIONAL ORIGIN
☒ Age RETALIATION OTHERDATE MOST RECENT OR CONTINUING
DISCRIMINATION TOOK PLACE2007 month, day, year
January 3, 2007

THE PARTICULARS ARE (If additional space is needed attach extra sheet(s))

EEOC ENFORCEMENT

I am a female, Caucasian police officer employed by the Respondent, having first been sworn as a member of the Village Police Department in 1996. Since my initial employment and continuing to date I have been systematically and routinely denied equal terms and conditions of employment as those enjoyed by police officers who are male, male Hispanic and/or male Black and/or male of Middle Eastern descent. In that connection and continuing to date I have regularly been denied specialized training, whereas junior male police officers have been afforded same. I have been routinely skipped for promotion and/or special duty assignments in favor of younger and/or lesser qualified officers. Most recently this past summer/fall I was denied two promotional opportunities one of which was given to a male Hispanic with but two years experience on the job; the other was given to a male of Jordanian national origin, who had only two years experience on the job. In each case I was better qualified for the appointment. Out of approximately 40+ police officers, there are only two females - - who are required to use a bathroom as a locker room. Under the premises I charge Respondent with violating my rights, privileges and immunities as guaranteed me by reason of Title VII and the Age Discrimination in Employment Act.

☒ I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

[Signature]

SIGNATURE OF COMPLAINANT

Pamela J. Blanco, January 3, 2007

NOTARY-(When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month and year)